



## CITY OF SIOUX FALLS

CITY COUNCIL

### MINUTES

#### Regular City Council Meeting

Tuesday, March 1, 2022 at 6:00 PM

Carnegie Town Hall, 235 West 10<sup>th</sup> St., Sioux Falls, South Dakota 57104

#### CALL TO ORDER

1. MEETING ROLL CALL

**Present:** Council Member Christine M. Erickson (via telecom), Council Member Alex Jensen, Council Member Rick Kiley, Council Member Greg Neitzert, Council Member Marshall Selberg, Council Member Curt Soehl, Council Member Pat Starr, Council Member Janet Brekke, Mayor Paul TenHaken

**Absent:** None

2. INVOCATION

- Pastor Charlie Moore, Sunnycrest United Methodist Church

3. PLEDGE OF ALLEGIANCE

#### CONSENT AGENDA

4. APPROVAL OF THE CONSENT AGENDA

A request was made by Council Member Starr to place Sub-Item 15 from Agenda Item 6 on the Regular Agenda for Council Discussion (Department: Human Resources; Project Description: Agreement to provide the City of Sioux Falls an assistance program for employees that may be experiencing issues related to stress, depression, grief, codependency, financial problems or addictive disorders for the period of 3/1/22 to 2/28/23; Vendor: Key Solutions; Amount: \$21,744.00). See Agenda Item 6 for action taken.

A motion was made by Council Member Selberg and seconded by Council Member Jensen to approve the Consent Agenda.

Roll call vote to approve. 8 Yes: Erickson, Jensen, Kiley, Neitzert, Selberg, Soehl, Starr, Brekke; 0 No: (None). **Motion Passed.**

5. APPROVAL OF MINUTES

- Informational Meeting of Tuesday, February 15, 2022

- City Council Meeting of Tuesday, February 15, 2022
- Informational Meeting of Tuesday, February 22, 2022
- Joint City Council / Lincoln County Commission Meeting of Tuesday, February 22, 2022

## **COMMUNICATIONS**

6. Approval of contracts/agreements on the memorandum dated February 25, 2022.

A motion was made by Council Member Selberg and seconded by Council Member Jensen to approve Sub-Item 15 from Agenda Item 6.

Roll call vote to approve. 8 Yes: Erickson, Jensen, Kiley, Neitzert, Selberg, Soehl, Starr, Brekke; 0 No: (None). **Motion Passed.**

7. Approval of a request from Natasha Drackley to consume, but not sell, wine, beer, and liquor at The Old Courthouse Museum, on April 9, 2022, for the following purpose: wedding and reception.
8. Report of Requests for Quotes for Fuel dated February 10, 2022: Dyed Diesel #1 (2,500 Gallons), Dyed Diesel #2 (2,500 Gallons) and Unleaded (3,000 Gallons); Vollar Oil (Dyed Diesel #1 \$3.0525, Dyed Diesel #2 \$2.806, and Unleaded \$2.711); Coles Petroleum (Dyed Diesel #1 \$3.0412, Dyed Diesel #2 \$2.7985, and Unleaded \$2.6921); Harms Oil (Dyed Diesel #1 \$3.08, Dyed Diesel #2 \$2.84, and Unleaded \$2.80); Howes Oil, no bid. Bid awarded to: Coles Petroleum.
9. Report of Requests for Quotes for Fuel dated February 11, 2022: Dyed Diesel #1 (3,750 Gallons) and Dyed Diesel #2 (3,750 Gallons); Coles Petroleum (Dyed Diesel #1 \$3.046 and Dyed Diesel #2 \$2.7982); Harms Oil (Dyed Diesel #1 \$3.053 and Dyed Diesel #2 \$2.814); Howes Oil, no bid. Bid awarded to: Coles Petroleum.
10. Report of Requests for Quotes for Fuel dated February 17, 2022: Dyed Diesel #1 (3,750 Gallons), Dyed Diesel #2 (3,750 Gallons), and Unleaded (8,500 Gallons); Coles Petroleum (Dyed Diesel #1 \$3.074, Dyed Diesel #2 \$2.838, and Unleaded \$2.768); Howes Oil and CHS Oil, both no bid. Bid awarded to: Coles Petroleum.
11. Report of Requests for Quotes for Fuel dated February 22, 2022: Dyed Diesel #1 (3,750 Gallons) and Dyed Diesel #2 (3,750 Gallons); Harms Oil (Dyed Diesel #1 \$3.1416 and Dyed Diesel #2 \$2.8886); Olson Oil, CHS Oil, and Coles Petroleum, all no bid. Bid awarded to: Harms Oil.

## **APPLICATIONS**

12. Renewal of 2022 Retail Wine & Cider License for Hagere Ethiopian Restaurant, 2113 South Minnesota Avenue.

## **NOTICE OF HEARINGS**

13. **Set a date of hearing for Tuesday, March 15, 2022.** New 2022-23 Retail Malt Beverage/SD Farm Wine License for Trifecta Holdings Inc., Crown Casino Ellis 4, 2912 South Ellis Road (CUP not required).
14. **Set a date of hearing for Tuesday, March 15, 2022.** Request to add video lottery terminals with the 2022-23 Retail Malt Beverage/SD Farm Wine License for Trifecta Holdings Inc., Crown Casino Ellis 4, 2912 South Ellis Road.
15. **Set a date of hearing for Tuesday, March 15, 2022.** New 2022-23 Retail Malt Beverage/SD Farm Wine License for Trifecta Holdings Inc., Crown Casino Ellis 5, 2914 South Ellis Road (CUP not required).
16. **Set a date of hearing for Tuesday, March 15, 2022.** Request to add video lottery terminals with the 2022-23 Retail Malt Beverage/SD Farm Wine License for Trifecta Holdings Inc., Crown Casino Ellis 5, 2914 South Ellis Road.
17. **Set a date of hearing for Tuesday, March 15, 2022.** New 2021-22 Retail Malt Beverage/SD Farm Wine License and New 2022 Retail Wine & Cider License for MR2T LLP, Brix Wine Bar, 330 South Main Avenue (CUP not required).
18. **Set a date of hearing for Tuesday, March 15, 2022.** New 2021-22 Retail Malt Beverage/SD Farm Wine License for Crystal Investment Inc., Black Diamond Casino IV, 5113 West 41st Street, Suite 104.
19. **Set a date of hearing for Tuesday, March 15, 2022.** Request to add video lottery terminals with the 2021-22 Retail Malt Beverage/SD Farm Wine License for Crystal Investment Inc., Black Diamond Casino IV, 5113 West 41st Street, Suite 104.
20. **Set a date of hearing for Tuesday, March 15, 2022.** New 2021-22 Retail Malt Beverage/SD Farm Wine License for Shively Development LLC, DH Pub Sports, 5219 West 26th Street (CUP not required).
21. **Set a date of hearing for Tuesday, March 15, 2022.** Transfer of 2022 Retail Wine & Cider License from MG Oil Company, Jokerz 3, 5005 West 12th Street, to MG Oil Company, 777 North Casino B, 1709 West Legion Drive, Suite B.
22. **Set a date of hearing for Tuesday, March 15, 2022.** Transfer of 2021-22 Retail Malt Beverage/SD Farm Wine License and 2022 Retail Wine & Cider License from Ovations Food Services LP, Sioux Falls Canaries Baseball, 1001 North West Avenue, to True North Sports LLC, Sioux Falls Canaries, 1001 North West Avenue.
23. **Set a date of hearing for Tuesday, March 15, 2022.** Special One-Day Malt Beverage License for Fernson Brewing Company LLC, to be operated at Great Outdoor Store, 201 East 10th Street, for a Gear and Beer event on May 21, 2022.
24. **Set a date of hearing for Tuesday, March 15, 2022.** Special One Day Malt Beverage License for Holy Spirit Church, 3601 East Dudley Lane, for a special event on August 21, 2022.



## **REGULAR AGENDA**

### 25. APPROVAL OF THE REGULAR AGENDA

A motion was made by Council Member Jensen and seconded by Council Member Kiley to approve the Regular Agenda.

A motion was made by Council Member Jensen and seconded by Council Member Soehl to amend the Regular Agenda by placing Item 56 after Item 44; placing Item 57 after Item 42; and placing Items 60 through 62 after Item 51.

Roll call vote to amend. 8 Yes: Erickson, Jensen, Kiley, Neitzert, Selberg, Soehl, Starr, Brekke; 0 No: (None). **Motion Passed.**

Roll call vote to approve, as amended. 8 Yes: Erickson, Jensen, Kiley, Neitzert, Selberg, Soehl, Starr, Brekke; 0 No: (None). **Motion Passed.**

## **UNFINISHED BUSINESS**

26. New 2022 Retail Liquor License for Alpine II LLC, Alpine Sports Bar & Casino 2, 212 South Sneve Avenue, Suite 102.
27. New 2022 Retail Liquor License for Golden Coin Casino Inc., High Rollers Casino, 2704 South Ellis Road, Suite 101. Pending final inspections per Health and Building Services.
28. New 2022 Retail Liquor License for Golden Coin Casino Inc., Golden Coin Casino, 405 North Kiwanis Avenue.
29. New 2021-22 Retail Malt Beverage/SD Farm Wine License and New 2022 Retail Wine License for Casey's Retail Company, Casey's #3963, 3820 West Benson Road (CUP not required). Pending final inspections per Health and Building Services.
30. Request to add video lottery terminals with the new 2021-22 Retail Malt Beverage/SD Farm Wine License for Casey's Retail Company, Casey's #3963, 3820 West Benson Road. Pending final inspections per Health and Building Services.
31. Transfer of 2022 Retail Liquor License from Quan Holdings Inc, Crown Casino on Cliff II, 902 South Cliff Avenue, to Dave & Buster's of South Dakota Inc., Dave & Buster's, 2690 South Lorraine Place (full service restaurant; CUP not required).
32. Transfer of 2022 Retail Liquor License from VFW Servicemen's Club, VFW, 3601 South Minnesota Avenue, to VFW Servicemen's Club, VFW, 1700 West Russell Street (CUP not required).
33. Transfer of 2021-22 Retail Malt Beverage/SD Farm Wine License, including video lottery terminals, from MG Oil Company, Happy Jacks 5, 4601 East Arrowhead



Parkway, Suite 109, to MG Oil Company, Jokerz 8 II, 5503 North Cliff Avenue, Suite 101.

34. Renewal of 2022-23 Retail Malt Beverage/SD Farm Wine License for Jokerz 8 II, 5503 North Cliff Avenue, Suite 101.
35. Transfer of 2021-22 Retail Malt Beverage/SD Farm Wine License, including video lottery terminals, from Y & M LLC, Chance Casino, 5503 North Cliff Avenue, to MG Oil Company, Jokerz 8, 5503 North Cliff Avenue.
36. Renewal of 2022-23 Retail Malt Beverage/SD Farm Wine License for Jokerz 8, 5503 North Cliff Avenue.
37. Special One-Day Liquor License for KJT LLC to be operated at 301 South Thompson Avenue, for a wedding on March 8, 2022.
38. Special One-Day Liquor License for The Hello Hi, to be operated at 600 North Main Avenue, Suite 110, for a cocktail dinner on March 15, 2022.
39. Special One Day Malt Beverage License for Siouxland Heritage Museums to be operated at 200 West 6th Street, for a special event on March 17, 2022.

A motion was made by Council Member Jensen and seconded by Council Member Kiley to approve Items 26 through 39.

Roll call vote to approve. 8 Yes: Erickson, Jensen, Kiley, Neitzert, Selberg, Soehl, Starr, Brekke; 0 No: (None). **Motion Passed.**

## **INTRODUCTION AND ADOPTION OF ORDINANCES**

### **ORDINANCE SECOND READINGS**

40. **2nd Reading: Deferred from the Meetings of Tuesday, January 4, 2022 and Monday, January 31, 2022.** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 3801 S. ELMWOOD AVE. FROM THE C-3 COMMERCIAL—COMMUNITY DISTRICT TO THE RA-3 APARTMENT RESIDENTIAL—HIGH DENSITY DISTRICT, NO. 15507-2021, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. The Planning Commission recommends approval (6-0).  
**Private Applicant(s):** Bob Natz

A motion was made by Council Member Jensen and seconded by Council Member Brekke to withdraw Item 40.

Roll call vote to withdraw. 8 Yes: Erickson, Jensen, Kiley, Neitzert, Selberg, Soehl, Starr, Brekke; 0 No: (None). **Motion Passed.**

41. **2nd Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 1024 W. 17TH ST. FROM THE RS SINGLE-FAMILY

RESIDENTIAL—SUBURBAN DISTRICT TO THE RT-1 SINGLE-FAMILY RESIDENTIAL—TRADITIONAL DISTRICT, NO. 15428-2021, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. The Planning Commission recommends approval (5-0).

**Private Applicant(s):** John Small

A motion was made by Council Member Selberg and seconded by Council Member Kiley to adopt Ordinance No. 23-22.

Roll call vote to adopt. 8 Yes: Erickson, Jensen, Kiley, Neitzert, Selberg, Soehl, Starr, Brekke; 0 No: (None). **Motion Passed.**

42. **2nd Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED SOUTH OF W. BENSON RD. AND WEST OF N. MARION RD. FROM THE AG AGRICULTURE DISTRICT TO THE RS SINGLE-FAMILY RESIDENTIAL—SUBURBAN, RD-1 TWIN HOME/DUPLEX RESIDENTIAL—SUBURBAN, RD-2 TOWNHOME RESIDENTIAL—SUBURBAN, RA-1 APARTMENT RESIDENTIAL—LOW DENSITY, RA-2 APARTMENT RESIDENTIAL—MODERATE DENSITY, AND C-2 COMMERCIAL—NEIGHBORHOOD AND STREETCAR DISTRICTS, NO. 15702-2021, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. The Planning Commission recommends approval (5-0).  
**Private Applicant(s):** Brosz Engineering, Inc.

A motion was made by Council Member Kiley and seconded by Council Member Jensen to adopt Ordinance No. 24-22.

Roll call vote to adopt. 8 Yes: Erickson, Jensen, Kiley, Neitzert, Selberg, Soehl, Starr, Brekke; 0 No: (None). **Motion Passed.**

Item 57 was heard at this time. See item for action taken.

43. **2nd Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 501 S. HOLLY AVE. FROM THE RS SINGLE-FAMILY RESIDENTIAL—SUBURBAN DISTRICT TO THE RT-2 TOWNHOME RESIDENTIAL—TRADITIONAL DISTRICT, NO. 15759-2021, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. The Planning Commission recommends approval (5-0).  
**Private Applicant(s):** Nova Properties, LLC – Ashton Larson

A motion was made by Council Member Selberg and seconded by Council Member Neitzert to adopt Ordinance No. 25-22.

Roll call vote to adopt. 8 Yes: Erickson, Jensen, Kiley, Neitzert, Selberg, Soehl, Starr, Brekke; 0 No: (None). **Motion Passed.**

44. **2nd Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED NORTH OF E. MADISON STREET AND EAST OF VETERAN'S PARKWAY FROM THE AG AGRICULTURE, C-3 COMMUNITY COMMERCIAL, CN CONSERVATION, LW LIVE WORK DISTRICTS TO THE RS SINGLE-FAMILY RESIDENTIAL—SUBURBAN, RD-1, TWIN HOME/DUPLEX



RESIDENTIAL—SUBURBAN, RD-2 TOWNHOME RESIDENTIAL—SUBURBAN, RA-2 APARTMENT RESIDENTIAL—MODERATE DENSITY, LW LIVE-WORK, C-2 COMMERCIAL—NEIGHBORHOOD AND STREETCAR, AND CN CONSERVATION, NO. 15805-2021, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. The Planning Commission recommends approval (5-0).

**Private Applicant(s):** : Ehrhart Griffin & Associates - Damian Greble

A motion was made by Council Member Neitzert and seconded by Council Member Soehl to adopt Ordinance No. 26-22.

Roll call vote to adopt. 8 Yes: Erickson, Jensen, Kiley, Neitzert, Selberg, Soehl, Starr, Brekke; 0 No: (None). **Motion Passed.**

Item 56 was heard at this time. See item for action taken.

45. **2nd Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 3511 S. GATEWAY BLVD. FROM THE RA-2 APARTMENT RESIDENTIAL—MODERATE DENSITY DISTRICT TO THE RA-3 APARTMENT RESIDENTIAL—HIGH DENSITY DISTRICT, NO. 15810-2021, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. The Planning Commission recommends approval (5-0).

**Private Applicant(s):** Sayre – Paul Corn

A motion was made by Council Member Soehl and seconded by Council Member Jensen to adopt Ordinance No. 27-22.

Roll call vote to adopt. 8 Yes: Erickson, Jensen, Kiley, Neitzert, Selberg, Soehl, Starr, Brekke; 0 No: (None). **Motion Passed.**

46. **2nd Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 2225 N. BAHNSON AVE. FROM THE AG AGRICULTURE DISTRICT TO THE I-2 HEAVY INDUSTRIAL DISTRICT, NO. 15831-2022, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. The Planning Commission recommends approval (5-0).

**Private Applicant(s):** Willadsen Lund Engineering - Eric Willadsen

A motion was made by Council Member Selberg and seconded by Council Member Soehl to adopt Ordinance No. 28-22.

Roll call vote to adopt. 8 Yes: Erickson, Jensen, Kiley, Neitzert, Selberg, Soehl, Starr, Brekke; 0 No: (None). **Motion Passed.**

47. **2nd Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 153: ANNEXATION POLICIES.

**Sponsor:** Mayor

A motion was made by Council Member Kiley and seconded by Council Member Neitzert to adopt Ordinance No. 29-22.



Roll call vote to adopt. 8 Yes: Erickson, Jensen, Kiley, Neitzert, Selberg, Soehl, Starr, Brekke; 0 No: (None). **Motion Passed.**

48. **2nd Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 53: PUBLICLY OWNED TREATMENT WORKS, PERTAINING TO PRIVATE WASTEWATER DISPOSAL.

**Sponsor:** Mayor

A motion was made by Council Member Kiley and seconded by Council Member Neitzert to adopt Ordinance No. 30-22.

Roll call vote to adopt. 8 Yes: Erickson, Jensen, Kiley, Neitzert, Selberg, Soehl, Starr, Brekke; 0 No: (None). **Motion Passed.**

49. **2nd Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 59: WATER DEPARTMENT REGULATIONS, IN RELATION TO WATER SERVICE IN ANNEXED AREAS.

**Sponsor:** Mayor

A motion was made by Council Member Kiley and seconded by Council Member Neitzert to adopt Ordinance No. 31-22.

Roll call vote to adopt. 8 Yes: Erickson, Jensen, Kiley, Neitzert, Selberg, Soehl, Starr, Brekke; 0 No: (None). **Motion Passed.**

50. **2nd Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 39: PERSONNEL REGULATIONS AND BENEFITS; RETIREMENT AND PENSIONS; SUBCHAPTER VACATION LEAVE.

**Sponsor:** Mayor

A motion was made by Council Member Erickson and seconded by Council Member Neitzert to adopt Ordinance No. 32-22.

Roll call vote to adopt. 7 Yes: Erickson, Jensen, Kiley, Neitzert, Selberg, Soehl, Starr; 0 No: (None). **Motion Passed.** Brekke was excused from the meeting and the vote on this item pursuant to City Ordinance 30.017.

Council Member Janet Brekke excused herself from the meeting on the grounds this and the next item create an appearance of impropriety under the City's Code of Ethics and creates a conflict of interest for her to participate so close to the election; she stated she will refrain from any other debate, private comments, or discussion on the matters.

51. **2nd Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING SUPPLEMENTAL APPROPRIATIONS TO FUND THE FULL-TIME EMPLOYEE RETENTION INCENTIVE PAY AND COMPENSATION AND BENEFIT STUDY.

**Sponsor:** Mayor

A motion was made by Council Member Erickson and seconded by Council Member Kiley to adopt Ordinance No. 33-22.

A motion was made by Council Member Erickson and seconded by Council Member Kiley to amend by adding the following to the list of funds supplemented: Department "General Fund Transfer to Housing Fund" Funding Source "General Fund Unassigned Fund Balance" in the Amount of "\$13,000"; and additionally supplement, Department "General Fund Transfer to Storm Drainage Fund" Funding Source "General Fund Unassigned Fund Balance" in the amount of \$33,000.

Roll call vote to amend. 7 Yes: Erickson, Jensen, Kiley, Neitzert, Selberg, Soehl, Starr; 0 No: (None). **Motion Passed.** Brekke was excused from the meeting and the vote on this item pursuant to City Ordinance 30.017.

A motion was made by Council Member Starr and seconded by Council Member Neitzert to amend by inserting the following "WHEREAS" clauses: WHEREAS, the ability of the City of Sioux Falls to be responsive, innovative and effective service depends on the outstanding performance of its city employees; WHEREAS, the residents of Sioux Falls benefit daily from the knowledge and skills of the highly trained city employees; WHEREAS, the 2022 Employer of Choice Plan will retain and attract employees in this competitive job market."

Roll call vote to amend. 7 Yes: Erickson, Jensen, Kiley, Neitzert, Selberg, Soehl, Starr; 0 No: (None). **Motion Passed.** Brekke was excused from the meeting and the vote on this item pursuant to City Ordinance 30.017.

Roll call vote to adopt, as amended. 7 Yes: Erickson, Jensen, Kiley, Neitzert, Selberg, Soehl, Starr; 0 No: (None). **Motion Passed.** Brekke was excused from the meeting and the vote on this item pursuant to City Ordinance 30.017.

Council Member Janet Brekke excused herself from the meeting on the grounds this and the next item create an appearance of impropriety under the City's Code of Ethics and creates a conflict of interest for her to participate so close to the election; she stated she will refrain from any other debate, private comments, or discussion on the matters.

Item 60 was heard at this time. See item for action taken.

Item 61 was heard at this time. See item for action taken.

Item 62 was heard at this time. See item for action taken.

## **ORDINANCE FIRST READINGS**

52. **1st Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING AMENDMENT NO. 1 TO MONOPOLE LEASE AGREEMENT NO. 16-3391.

**Recommendation:** Set a date of 2<sup>nd</sup> Reading for Tuesday, March 8, 2022.

**Sponsor:** Mayor

A motion was made by Council Member Kiley and seconded by Council Member Jensen to set a date of 2nd Reading for Tuesday, March 8, 2022 for Item 52.



Roll call vote to set a date of 2nd Reading. 7 Yes: Jensen, Kiley, Neitzert, Selberg, Soehl, Starr, Brekke; 0 No: (None). **Motion Passed.** Erickson was not present for the vote on this motion.

53. **1st Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING AMENDMENT NO. 1 TO WATER TANK LEASE AGREEMENT NO. 16-3392.  
**Recommendation:** Set a date of 2<sup>nd</sup> Reading for Tuesday, March 8, 2022.  
**Sponsor:** Mayor

A motion was made by Council Member Neitzert and seconded by Council Member Kiley to set a date of 2nd Reading for Tuesday, March 8, 2022 for Item 53.

Roll call vote to set a date of 2nd Reading. 7 Yes: Jensen, Kiley, Neitzert, Selberg, Soehl, Starr, Brekke; 0 No: (None). **Motion Passed.** Erickson was not present for the vote on this motion.

54. **1st Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING AN AGREEMENT RELATED TO TERMINATION OF WATER TANK LEASE AGREEMENT NO. 16-3393.  
**Recommendation:** Set a date of 2<sup>nd</sup> Reading for Tuesday, March 8, 2022.  
**Sponsor:** Mayor

A motion was made by Council Member Selberg and seconded by Council Member Jensen to set a date of 2nd Reading for Tuesday, March 8, 2022 for Item 54.

Roll call vote to set a date of 2nd Reading. 7 Yes: Jensen, Kiley, Neitzert, Selberg, Soehl, Starr, Brekke; 0 No: (None). **Motion Passed.** Erickson was not present for the vote on this motion.

55. **1st Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 111: ALCOHOLIC BEVERAGES.  
**Recommendation:** Set a date of 2<sup>nd</sup> Reading for Tuesday, March 8, 2022.  
**Sponsor:** Mayor

A motion was made by Council Member Kiley and seconded by Council Member Jensen to set a date of 2nd Reading for Tuesday, March 8, 2022 for Item 55.

Roll call vote to set a date of 2nd Reading. 7 Yes: Jensen, Kiley, Neitzert, Selberg, Soehl, Starr, Brekke; 0 No: (None). **Motion Passed.** Erickson was not present for the vote on this motion.

## **HEARINGS AND RESOLUTIONS**

56. A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF EAST PRAIRIE ADDITION (15806-2021). The Planning Commission recommends approval (5-0).  
**Private Applicant(s):** Ehrhart Griffin & Associates - Damian Greble



A motion was made by Council Member Selberg and seconded by Council Member Jensen to adopt Resolution No. 16-22.

Roll call vote to adopt. 8 Yes: Erickson, Jensen, Kiley, Neitzert, Selberg, Soehl, Starr, Brekke; 0 No: (None). **Motion Passed.**

RESOLUTION NO. 16-22

A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF EAST PRAIRIE ADDITION (15806-2021).

BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:

That the preliminary plan of East Prairie Addition to the City of Sioux Falls, Minnehaha County, SD, is hereby approved, and the City Clerk of the City of Sioux Falls is hereby directed to endorse on such plan a copy of this resolution and certify the same thereon.

Date adopted: 03/01/22 .

Paul TenHaken, Mayor

ATTEST:

Thomas Greco, City Clerk

57. A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF MCGEE FARMS ADDITION (15704-2021). The Planning Commission recommends approval (5-0).

**Private Applicant(s):** Brosz Engineering, Inc.

A motion was made by Council Member Jensen and seconded by Council Member Kiley to adopt Resolution No. 17-22.

Roll call vote to adopt. 8 Yes: Erickson, Jensen, Kiley, Neitzert, Selberg, Soehl, Starr, Brekke; 0 No: (None). **Motion Passed.**

RESOLUTION NO. 17-22

A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF MCGEE FARMS ADDITION (15704-2021)..

BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:

That the preliminary plan of McGee Farms Addition to the City of Sioux Falls, Minnehaha County, SD, is hereby approved, and the City Clerk of the City of Sioux Falls is hereby directed to endorse on such plan a copy of this resolution and certify the same thereon.

Date adopted: 03/01/22 .

Paul TenHaken, Mayor

ATTEST:

Thomas Greco, City Clerk

58. A RESOLUTION INCLUDING CERTAIN CONTIGUOUS TERRITORY WITHIN THE CORPORATE LIMITS OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA. ANNEXATION 0015913-2021-WOLFE'S ADDITION.

**Sponsor:** Mayor

A motion was made by Council Member Selberg and seconded by Council Member Jensen to adopt Resolution No. 18-22.

Roll call vote to adopt. 7 Yes: Jensen, Kiley, Neitzert, Selberg, Soehl, Starr, Brekke; 0 No: (None). **Motion Passed.** Erickson was not present for the vote on this motion.

RESOLUTION NO. 18-22

ANNEXATION 0015913-2021—WOLFE'S ADDITION

A RESOLUTION INCLUDING CERTAIN CONTIGUOUS TERRITORY WITHIN THE CORPORATE LIMITS OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA.

WHEREAS, there has been presented to the City Council of the City of Sioux Falls and filed with the City Clerk, a Petition in writing signed by the owners and otherwise in compliance with the provisions of SDCL Chapter 9-4, requesting that the territory hereinafter described be included within the municipality;

WHEREAS, there has been an analysis completed in regard to the territory hereinafter described and it has been found that:

1. The property has been properly described and is contiguous to the current city limits.
2. The proposed land uses and densities are generally consistent with the Shape Sioux Falls 2040 Comprehensive Plan.
3. There is access to the major street network along Linedrive Ave.
4. Sanitary sewer is adjacent to the parcel.
5. City water is available for development.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:

That the following described properties are and the same hereby are included within the corporate limits of the city of Sioux Falls, Minnehaha County, and the boundary of the city is hereby extended to include such territory:

Tract 1 Wolfe's Addition NW1/4 of Section 31, Township 101, Range 48 West of the 5th P.M., Minnehaha County, South Dakota

And that the City Clerk shall cause to be filed with the Register of Deeds, Minnehaha County, South Dakota, a duly certified transcript of this resolution.

Date adopted: 03/01/22 .

Paul TenHaken, Mayor

ATTEST:

Thomas Greco, City Clerk

59. A RESOLUTION DECLARING CERTAIN PROPERTY OF THE CITY SURPLUS AND APPROVING INSPECTION AND SALVAGE AGREEMENT.

**Sponsor:** Mayor

A motion was made by Council Member Selberg and seconded by Council Member Jensen to adopt Resolution No. 19-22.

Roll call vote to adopt. 7 Yes: Jensen, Kiley, Neitzert, Selberg, Soehl, Starr, Brekke; 0 No: (None). **Motion Passed.** Erickson was not present for the vote on this motion.

RESOLUTION NO. 19-22

A RESOLUTION DECLARING CERTAIN PROPERTY OF THE CITY SURPLUS AND APPROVING INSPECTION AND SALVAGE AGREEMENT.

WHEREAS, the City owns the following real property:

Lot 2 in Block 3 of Vista Gardens, A Subdivision of the North 1021.8 Feet of the West Half of the Southwest Quarter (W1/2SW1/4) of Section 33, Township 101 North, Range 49 West of the 5th P.M., Minnehaha County, South Dakota, According to the Recorded Plat Thereof; and

The East 100 Feet of Lot 4 and the East 100 Feet of the South 11 Feet of Lot 3 in Block 14 of Gerrish & Lord's Addition to Sioux Falls, Minnehaha County, South Dakota, According to the Recorded Plat Thereof; and

Lot 6 in Block 2 of Vista Gardens, A Subdivision of the North 1021.8 Feet of the West Half of the Southwest Quarter (W1/2SW1/4) of Section 33, Township 101 North, Range 49 West of the 5th P.M., Minnehaha County, South Dakota, According to the Recorded Plat Thereof; and

Lot 11 in Block 1 of Vista Gardens, A Subdivision of the North 1021.8 Feet of the West Half of the Southwest Quarter (W1/2SW1/4) of Section 33, Township 101 North, Range 49 West of the 5th P.M., Minnehaha County, South Dakota, According to the Recorded Plat Thereof; and

Lot 7, Except Fisher's Lot 1 Contained Therein, and All of Lot 8 in Block 8 of Valley Park 2nd Addition to the City of Sioux Falls, Minnehaha County, South Dakota, According to the Recorded Plat Thereof.

WHEREAS, pursuant to SDCL 6-5-2, any political subdivision may convey and transfer any real or personal property which is held or owned by it, the title to which has been obtained and which is not held for public use or which is about to be abandoned for public purposes, to another political subdivision or nonprofit corporation for public, charitable, or humanitarian purposes and accommodation without offering the property for sale and without requiring the political subdivision or nonprofit corporation to pay for the property;

WHEREAS, pursuant to SDCL 6-13-1, the governing board of a political subdivision may sell, trade, loan, destroy, or otherwise dispose of any land, structures, equipment, or other



property which the governing board has, by appropriate motion, determined is no longer necessary, useful, or suitable for the purpose for which it was acquired;

WHEREAS, the structures on the above-described real property and the personal property located therein is no longer necessary, useful, or suitable for the purpose for which it was acquired;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:

Section 1. The City hereby declares pursuant to SDCL Chapter 6-13 the structures on the following real property and the personal property located therein to be surplus property that is no longer necessary, useful, or suitable for the purpose for which it was acquired:

Lot 2 in Block 3 of Vista Gardens, A Subdivision of the North 1021.8 Feet of the West Half of the Southwest Quarter (W1/2SW1/4) of Section 33, Township 101 North, Range 49 West of the 5th P.M., Minnehaha County, South Dakota, According to the Recorded Plat Thereof; and

The East 100 Feet of Lot 4 and the East 100 Feet of the South 11 Feet of Lot 3 in Block 14 of Gerrish & Lord's Addition to Sioux Falls, Minnehaha County, South Dakota, According to the Recorded Plat Thereof; and

Lot 6 in Block 2 of Vista Gardens, A Subdivision of the North 1021.8 Feet of the West Half of the Southwest Quarter (W1/2SW1/4) of Section 33, Township 101 North, Range 49 West of the 5th P.M., Minnehaha County, South Dakota, According to the Recorded Plat Thereof; and

Lot 11 in Block 1 of Vista Gardens, A Subdivision of the North 1021.8 Feet of the West Half of the Southwest Quarter (W1/2SW1/4) of Section 33, Township 101 North, Range 49 West of the 5th P.M., Minnehaha County, South Dakota, According to the Recorded Plat Thereof; and

Lot 7, Except Fisher's Lot 1 Contained Therein, and All of Lot 8 in Block 8 of Valley Park 2nd Addition to the City of Sioux Falls, Minnehaha County, South Dakota, According to the Recorded Plat Thereof.

Section 2. The above-described surplus property shall be demolished, destroyed, or removed from the real property.

Section 3. That it approves the document titled, "Inspection and Salvage Agreement." That said agreement is attached hereto and made part of this Resolution as if set out in full.

Section 4. That the Mayor is authorized to sign on behalf of the City the Inspection and Salvage Agreement, and any and all other documents that may be necessary to transfer ownership of such surplus property, to South Eastern Development Foundation, a South Dakota nonprofit corporation, pursuant to the attached agreement to be used for public, charitable, or humanitarian purposes and accommodation.

Section 5. That the City shall publish this Resolution, without attachments, after its passage. The attachments are on file and available for inspection in the office of the City Clerk.

Date adopted: 03/01/22 .

Paul TenHaken, Mayor

ATTEST:

Thomas Greco, City Clerk

60. A RESOLUTION APPROVING THE MEMORANDUM OF UNDERSTANDING TO THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND LOCAL 814 OF THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS.

**Sponsor:** Mayor

A motion was made by Council Member Selberg and seconded by Council Member Jensen to adopt Resolution No. 20-22.

Roll call vote to adopt. 7 Yes: Erickson, Jensen, Kiley, Neitzert, Selberg, Soehl, Starr; 0 No: (None). **Motion Passed.** Brekke was excused from the meeting and the vote on this item pursuant to City Ordinance 30.017.

Council Member Janet Brekke excused herself from the meeting on the grounds this and the next item create an appearance of impropriety under the City's Code of Ethics and creates a conflict of interest for her to participate so close to the election; she stated she will refrain from any other debate, private comments, or discussion on the matters.

#### RESOLUTION NO. 20-22

A RESOLUTION APPROVING THE MEMORANDUM OF UNDERSTANDING TO THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND LOCAL 814 OF THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS.

BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:

1. That the Memorandum of Understanding (MOU) to the Collective Bargaining Agreement between the City of Sioux Falls and Local 814 of the International Association of Firefighters providing for the terms and conditions of employment for the period from January 1, 2021, through December 31, 2023, is hereby approved by the City Council.
2. That the MOU incorporates the Employer of Choice plan by:
  - a. Amending Article 8, Wages, by providing a one-time lump sum retention incentive and referral incentive;
  - b. Amending Article 22, Vacations, to provide new 40-hour employees with a bank of 40 hours upon hire and provide a new vacation accrual schedule for shift and 40-hour employees.

The amendments, as contained in the attached Memorandum of Understanding, are hereby made part of this Resolution.



Date adopted: 03/01/22 .

Paul TenHaken, Mayor

ATTEST:

Thomas Greco, City Clerk

61. A RESOLUTION APPROVING THE MEMORANDUM OF UNDERSTANDING AMENDING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND THE POLICE OFFICERS AND SERGEANTS, SIOUX FALLS FRATERNAL ORDER OF POLICE LODGE #1 L.C.

**Sponsor:** Mayor

A motion was made by Council Member Selberg and seconded by Council Member Jensen to adopt Resolution No. 21-22.

Roll call vote to adopt. 7 Yes: Erickson, Jensen, Kiley, Neitzert, Selberg, Soehl, Starr; 0 No: (None). **Motion Passed.** Brekke was excused from the meeting and the vote on this item pursuant to City Ordinance 30.017.

Council Member Janet Brekke excused herself from the meeting on the grounds this and the next item create an appearance of impropriety under the City's Code of Ethics and creates a conflict of interest for her to participate so close to the election; she stated she will refrain from any other debate, private comments, or discussion on the matters.

RESOLUTION NO. 21-22

A RESOLUTION APPROVING THE MEMORANDUM OF UNDERSTANDING AMENDING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND THE POLICE OFFICERS AND SERGEANTS, SIOUX FALLS FRATERNAL ORDER OF POLICE LODGE #1 L.C.

BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:

3. That the Memorandum of Understanding (MOU) to the Collective Bargaining Agreement (CBA) between the City of Sioux Falls and Sioux Falls Fraternal Order of Police Lodge #1 L.C. providing for the terms and conditions of employment for the period from January 1, 2021, through December 31, 2023, is hereby approved by the City Council.
4. That the MOU amends Article 11, Seniority, to modify overtime procedures.
5. That the MOU incorporates the Employer of Choice plan by:
  - a. Amending Article 28, Vacations, to provide new employees with a bank of 40 hours upon hire and provide a new vacation accrual schedule; and
  - b. Amending Article 34, Wages, by providing a lump sum retention incentive.

The amendments, as contained in the attached Memorandum of Understanding, are hereby made part of this Resolution.



Date adopted: 03/01/22 .

Paul TenHaken, Mayor

ATTEST:

Thomas Greco, City Clerk

62. A RESOLUTION APPROVING THE MEMORANDUM OF UNDERSTANDING TO THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND LOCAL 519 OF THE AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES.

**Sponsor:** Mayor

A motion was made by Council Member Kiley and seconded by Council Member Jensen to adopt Resolution No. 22-22.

Roll call vote to adopt. 7 Yes: Erickson, Jensen, Kiley, Neitzert, Selberg, Soehl, Starr; 0 No: (None). **Motion Passed.** Brekke was excused from the meeting and the vote on this item pursuant to City Ordinance 30.017.

Council Member Janet Brekke excused herself from the meeting on the grounds this and the next item create an appearance of impropriety under the City's Code of Ethics and creates a conflict of interest for her to participate so close to the election; she stated she will refrain from any other debate, private comments, or discussion on the matters.

RESOLUTION NO. 22-22

A RESOLUTION APPROVING THE MEMORANDUM OF UNDERSTANDING TO THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND LOCAL 519 OF THE AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES.

BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:

6. That the Memorandum of Understanding (MOU) to the Collective Bargaining Agreement (CBA) between the City of Sioux Falls and Local 519 of the American Federation of State, County, and Municipal Employees providing for the terms and conditions of employment for the period from January 1, 2021, through December 31, 2023, is hereby approved by the City Council.
7. That the MOU incorporating the Employer of Choice plan provisions by:
  - a. Amending Article 7, Wages, by adding a one-time lump sum retention incentive in 2022 and a new employee referral incentive;
  - b. Amending Article 24, Vacations, to provide new employees with a bank of 40 hours upon hire and providing a new vacation accrual schedule; and
  - c. Amending Exhibits A and E to reflect the deletion of pay grades 112 and 113 and moving positions to pay grade 221.

The amendments, as contained in the attached Memorandum of Understanding, are hereby made part of this Resolution.

Date adopted: 03/01/22.

Paul TenHaken, Mayor

ATTEST:

Thomas Greco, City Clerk

**REPORT OF OFFICERS/BOARDS/COMMITTEES/TRANSFERS OF UNENCUMBERED  
APPROPRIATION BALANCES AMONG PROGRAMS WITHIN A DEPARTMENT OR  
ORGANIZATIONAL UNIT AS PROVIDED IN THE SIOUX FALLS CITY CHARTER SECTION  
5.07(d)**

- 63. NOTICE OF TRANSFER OF APPROPRIATIONS ON THE MEMORANDUM DATED December 31, 2021.
- 64. AUDIT REPORT 21-01 SPECTRA FOOD SERVICE AGREEMENT
- 65. AUDIT REPORT 21-03 MIDCO AQUATIC CENTER CASH HANDLING
- 66. AUDIT REPORT 21-04 TRAVEL EXPENDITURES

**NEW BUSINESS**

There was none.

**GENERAL PUBLIC INPUT**

David Zokaite spoke about Federal Communication Commission guidelines.

Chester Deyoung spoke about rules, regulations and standards regarding engineering projects.

Sierra Broussard spoke about her involvement in neighborhood projects and code violations in the Pettigrew Heights neighborhood.

Bruce Meyer spoke about the recent snow event and the need for the streets to be sanded.

Chad Bishop spoke about Covid 19 vaccines.

Carol Garry spoke about water bills for mobile homes.

**ADJOURNMENT**

A motion was made by Council Member Jensen and seconded by Council Member Brekke to adjourn the meeting at 8:22 p.m.



Roll call vote to adjourn. 7 Yes: Jensen, Kiley, Neitzert, Selberg, Soehl, Starr, Brekke; 0 No: (None). **Motion Passed.** Erickson was not present for the vote on this motion.



Tamara Jorgensen, MMC, Assistant City Clerk

